

**St. Joseph's Hospital and Medical Center and Association of Concerned Nurses, Petitioner. Case 22-RC-8636**

July 27, 1982

**DECISION AND DIRECTION OF  
SECOND ELECTION**

**BY CHAIRMAN VAN DE WATER AND  
MEMBERS FANNING AND ZIMMERMAN**

Pursuant to authority granted it by the National Labor Relations Board under Section 3(b) of the National Labor Relations Act, as amended, a three-member panel has considered the objections to an election held on December 10, 1981,<sup>1</sup> and the Regional Director's report recommending disposition of same. The Board has reviewed the record in light of the exceptions and briefs, and hereby adopts the Regional Director's findings and recommendations.<sup>2</sup>

<sup>1</sup> The election was conducted pursuant to a Stipulation for Certification Upon Consent Election. The tally was 141 for, and 218 against, the Petitioner; there were 9 challenged ballots, an insufficient number to affect the results.

<sup>2</sup> In the absence of exceptions, we adopt *pro forma* the Regional Director's recommendations with respect to Objections 3, 4(b), and 5.

In accepting the Regional Director's recommendation that the election be set aside on the basis of the Employer's maintenance of an overly broad no-distribution/no-solicitation rule during the critical period, we do so because the rule, as set out in the employee handbook and as set out in the Employer's policy manual,<sup>3</sup> was unlawfully broad in that it required management authorization for any activity on Hospital premises.<sup>4</sup> We consider it unnecessary to determine whether the rule was unlawful by reason of other limitations on distribution and solicitation.<sup>5</sup>

[Direction of Second Election and *Excelsior* footnote omitted from publication.]

<sup>3</sup> The rule in the handbook prohibited "Unauthorized distribution of written or printed material on Hospital premises." The policy manual provided that "Solicitation is generally discouraged but may be conducted on Hospital premises only with the prior express written approval of the Executive Director."

<sup>4</sup> See *Interpace Corporation, Lock Joint Products Division*, 238 NLRB 560 (1978); *L. O. F. Glass, Inc.*, 216 NLRB 845 (1975).

<sup>5</sup> Therefore, we do not pass upon the Employer's arguments with respect to the rule's validity under either *Essex International, Inc.*, 211 NLRB 749 (1974), or *T.R.W. Bearings Division, a Division of T.R.W., Inc.*, 257 NLRB 442 (1981).